

Title VII

- What is the adverse employment action? (taken w/in 300 days of charge?)
 - Firing
 - Gag order, to the extent it was in effect w/in 300 days
 - Adverse references (must they be pre-termination?)
- Causation (temporal connection)
- What should we do with PGHRC?

42 USC § 1981

- Retaliation claim in these circumstances?
- 3 year statute of limitation in MD
- Extent of overlap
- Difference in remedies

First Amendment retaliation

- state action – research when state relies on/enforces private conduct
- but – does this compromise other claims?
 - Was Jeff fired for writing the book, or for protected activity?

State theories

- Title VII equivalents
 - Are these separate causes of action?
 - Must separately exhaust in MD; not in DC
 - DCHRA – scope of “political affiliation” clause
- Wrongful discharge/public policy
 - DC requires statutory protection
- Defamation
 - Any statements within a year?
- Tortious interference (post-termination reference may come in here)

Breach of contract

- Disclaimers – Bad Maryland case at 665 A.2d 297
- Is implied modification possible? (*e.g.*, unofficial tenure, etc.)
- Handbooks distributed/acknowledged?

NLRB

- New evidence?

General/misc.

- Effect of Maryland DOL decision
- New book/epilogue
- Non-disparagement letter